IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.16166 of 2004

Between:

1. M/s.Murali Krishna Enterprises, rep., by its Partner,

Mrs.Sriram Murali Kumari, W/o. Krishnamurthy, R/o. Pasumarru Village, Chilakaluripet-522 616, Guntur District.
2. M/s.Sree Datta Enterprises, rep., by its Proprietor,

S.Venkateswara Rao, S/o. Krishna Murthy, R/o. Pasumarru Village, Chilakaluripet-522 616, Guntur District.
3.Sriram Krishna Murthy, S/o. Sri Subbaiah,
R/o.Pasumarru Village, Chilakaluripet-522 616, Guntur District.
4.Mrs.Sriram Murali Kumari, W/o. Krishnamurthy,
R/o. Pasumarru Village, Chilakaluripet-522 616, Guntur District. **..... PETITIONERS**

AND

1.The Union of India, rep., by the Joint Secretary, Banking Division, Department of Economic Affairs, Ministry of Finance, Jeevandeep Building, Parliament Street, New Delhi-1.
2.The Debts Recovery Tribunal (Under Ministry of Finance Banking Division), 3rd Floor, Isnaar Khazana Towers, 2nd Lane, Dwarakanagar, Visakhapatnam-530 016, rep., by Hon'ble Presiding Officer.
3.Indian Overseas Bank, Main Branch, Leela Mahal Road,
Kothapet, Guntur-522 001, rep., by its Assistant General Manager & Authorised Officer under Act 54 of 2002.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, direction or order more particularly one in the nature of writ of mandamus declaring the Rules issued by the 1st respondent under S.O.No.466(E) dated 06-04-2004 prescribing fees for entertaining an appeal to the 2nd respondent under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as illegal, arbitrary and ultra vires the Articles 14 and 21 of the Constitution of India and further direct the 2nd respondent to ignore the same and entertain the appeals without insisting for the Court Fee under S.O.No.466(E) dated 06-04-2004 issued by the 1st respondent.

Counsel for the Petitioners: Mr.T.V.L.NARASIMHA RAO

Counsel for Respondent No.1: Mr.A.RAJASHEKAR REDDY,

S.C. FOR CENTRAL GOVT.

Counsel for Respondent No.2: None appeared.

Counsel for Respondent No.3: Mr.A.KRISHNAM RAJU,

S.C. FOR IOB.

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Learned counsel for the petitioners states that the writ petition has been renered infructuous.

The writ petition is, therefore, dismissed as having been rendered infructuous. No costs.

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(DEVINDER GUPTA, C.J.)

6th October 2004.

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(C.V.RAMULU, J.)

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To

1.The Joint Secretary, Banking Division, Department of Economic Affairs, Ministry of Finance, Jeevandeep Building, Parliament Street, New Delhi-1.
2.The Registrar, Debts Recovery Tribunal (Under Ministry of Finance Banking Division), 3rd Floor, Isnaar Khazana Towers, 2nd Lane, Dwarakanagar, Visakhapatnam-530 016,
3.The Assistant General Manager & Authorised Officer under Act 54 of 2002, Indian Overseas Bank, Main Branch, Leela Mahal Road,
Kothapet, Guntur-522 001.

4.Two C.D. copies.